

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

WILD HORSE EDUCATION, a non-profit  
corporation; and LAURA LEIGH,  
individually,  
  
Plaintiffs,

Case No. 3:23-cv-00372-LRH-CLB  
  
SUPPLEMENTAL  
ORDER

v.

UNITED STATES DEPARTMENT OF  
INTERIOR, BUREAU OF LAND  
MANAGEMENT, and JON RABY, Nevada  
State Director of the Bureau of Land  
Management,  
  
Defendants.

Plaintiffs Wild Horse Education and Laura Leigh (collectively, “Wild Horse”) have filed a Request for Temporary Restraining Order and Preliminary Injunction. ECF No. 10. In its first order dated August 4, 2023 (ECF No. 15), the Court reserved ruling on Wild Horse’s Request for Temporary Restraining Order and Preliminary Injunction until an evidentiary hearing is held on the matter. The Court scheduled the evidentiary hearing for Wednesday, August 9, 2023, at 9:00 a.m. in Reno Courtroom 4 before District Court Judge Larry R. Hicks. *See* ECF No. 15. In that order, the Court also granted Defendants United States Department of Interior, Bureau of Land Management, and Jon Darby’s (collectively, “BLM”) requests for (1) a responsive filing deadline to Wild Horse’s request of Monday, August 7, 2023, by 4:00 p.m., and (2) BLM’s Washington D.C. counsel to appear at the evidentiary hearing using videoconferencing software. *Id.* The Court afforded Wild Horse the same opportunity to appear via videoconferencing software for the evidentiary hearing. *Id.*

///

1 In scheduling the evidentiary hearing, the Court cleared its calendar because of the urgent  
2 nature of this matter. It is likely BLM will continue the Antelope Complex horse gathers over the  
3 next few days until the evidentiary hearing occurs, even in light of the Court's immediate  
4 scheduling efforts. Currently before the Court are unanswered assertions and claims from Wild  
5 Horse that BLM has repeatedly denied Wild Horse the right to access and view the horse gather  
6 traps, specifically the second trap on the Antelope Complex. *See* ECF No. 10 at 13, 14; *see also*  
7 ECF No. 10-1 at 7, 8; ECF No. 10-4 at 5–8. For example, Wild Horse asserts that on July 27, 2023,  
8 its welfare team member Colette Kaluza (“Kaluza”) asked BLM whether she could access and  
9 view both horse gather traps on the Antelope Complex. ECF No. 10-1 at 7; ECF No. 10-4 at 5. In  
10 response to her question, the on-site Incident Commander stated, “We do not have enough Public  
11 Affairs staff to offer that.” *Id.* Furthermore, on July 31, 2023, Kaluza was allegedly denied access  
12 to and observation of the second trap location because the road to the trap was a private road. ECF  
13 No. 10-1 at 8; ECF No. 10-4 at 6.

14 The Court cautions BLM that if it should continue to gather wild horses and burros on the  
15 Antelope Complex during the remaining days before the scheduled evidentiary hearing, it must do  
16 so in accordance with applicable Constitutional standards as to right of access. *See Press-*  
17 *Enterprise Co. v. Superior Ct. of California for Riverside Cnty. (Press Enterprise II)*, 478 U.S. 1,  
18 8–15 (1986); *see also Leigh v. Salazar*, 677 F.3d 892, 898–900 (9th Cir.2012). Failure to provide  
19 such access will be dealt with upon the evidentiary hearing scheduled for August 9, 2023, at 9:00  
20 a.m. in Reno Courtroom 4 before District Court Judge Larry R. Hicks.

21  
22 DATED this 4th day of August, 2023.



23 LARRY R. HICKS  
24 UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28